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The Ontario
Provincial Parks
Council

Fourth Annual
Report

Response by
The Honourable
James A.C. Auld
Minister of
Natural Resources

1978

DEPOSITORY LIBRARY MATERIAL



Section	Contents	
	Chairman's Letter to the Minister	2
	Acknowledgements	2
	The Provincial Parks Council	3
1	This Year's Program	4
2	Summary Statements	5
3	How the Parks Council Works	6
4	Algonquin Provincial Park	8
5	Polar Bear Provincial Park	9
6	Killarney Provincial Park	10
7	Serpent Mounds Provincial Park	11
8	Lake Superior Provincial Park	12
9	Pecche Island Provincial Park	13
10	The Occupier and the Law	14
11	Deregulation	15
12	Play Areas in Provincial Parks	16
13	The Provincial Parks Act	18
14	Other Business	19
15	Public Hearings	19
16	The Future	20
17	Appendix A	20

Chairman's Letter to the Minister

April, 1979

Dear Mr. Minister:

I attach the Fourth Annual Report of The Ontario Provincial Parks Council for the period ending December 31, 1978.

This report contains: a summary of our deliberations on the Algonquin Park Master Plan Review; our considerations on Killarney Provincial Park in terms of the master planning process and the proposed road controversy; the reactions of Council to Polar Bear Provincial Park are given; and a summary of recommendations on Peche Island Provincial Park in the Detroit River.

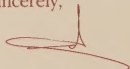
Council appreciated having an opportunity to review The Provincial Parks Act and to make recommendations for its redrafting. We have also acted upon the request that we review several other matters: playgrounds in parks; deregulation; and a position paper entitled 'The Occupier and the Law'.

The actions taken by Council on Serpent Mounds Provincial Park and Rondeau Provincial Park are recorded. Since Council public hearings were held in Windsor, Killarney and Peterborough, a summary of how these hearings were conducted and the results considered, are discussed. A list of all the individuals and organizations who made presentations is also included for your information.

Included is an agenda for 1979, largely concerned with the review of the Algonquin Park Master Plan.

The Council looks forward to advising you on park matters in 1979.

Sincerely,



G. Priddle, Chairman

Acknowledgements

The Provincial Parks Council is indebted to a great many people and organizations for making its work possible. It takes this opportunity to thank The Honourable Frank Miller and his successor The Honourable James A.C. Auld, Minister of Natural Resources, for supporting and for taking a continuing interest in its work. The personnel of the Provincial Parks Branch were and continued to be invaluable, not only in Toronto, but also in the districts, regions and field sites Council visited in 1978.

In the Toronto office Lloyd Eckel, Executive Coordinator, Outdoor Recreation; Ron Vrancart, Director, Provincial Parks Branch; and our Coordinator, Don Hallman all provided indispensable assistance. In the Council's office in Waterloo, our secretary Jean Fraser continued her yeoman service. Council would like to extend its thanks to the many individuals and organizations that came forward to express their views through correspondence or phone calls or at the public meetings. Without the active involvement of these people, the work of The Provincial Parks Council would have been in vain.



The Provincial Parks Council (Established under Section 6 of The Provincial Parks Act)

Terms of Reference

1 To advise the Minister of Natural Resources in respect to the policy (Planning, Management and Development) of the Provincial Parks system in relation to changing public needs;

2 To monitor and make recommendations on the implementation of the Algonquin Park Master Plan and such other park master plans as may be referred to it by the Minister;

3 To report to the Minister on such matters as he may refer to the Council;

4 In addition to such other reports the Council may make, it shall submit an Annual Report to the Minister;

5 The Council may with the approval of the Minister, engage the advice and assistance of specialists or consultants;

6 The Council shall hold public meetings to receive briefs, at least annually, and at such other times as the Minister may direct.

Terms of Council

1 The Council shall consist of not more than twenty members appointed for one, two or three year terms and eligible for reappointment;

2 The Chairman and Vice-Chairman shall be designated by the Minister;

3 The Chairman and Members shall be paid a per diem allowance and expenses consistent with Government policy.

Members of Council

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Provincial Parks
Council Members

This Year's Programme

The Minister's Work Programme

The Minister charged the Council:

- 1 To complete deliberations on topics provided to Council for 1977;
- 2 To expedite a thirty percent cut in the Council's budget;
- 3 To determine if there is a need for, and then if necessary, recommend changes to The Provincial Parks Act;
- 4 To review a simplification of regulations made under The Provincial Parks Act;
- 5 To consider a discussion paper entitled; "The Occupier and the Law: Occupier's Liability, Trespass and the Recreational Use of Land";
- 6 To develop methods and the means for involving the public during 1979 in the five-year review of the Algonquin Provincial Park Master Plan.

Meetings and Agenda Items

March 2, 3, 4/Toronto

The Road Issue in Killarney
1977 Business,
Finance/Tourism/Visitor Services
Discussion with the Minister
Second Annual Report
Polar Bear Provincial Parks
Leasing of Parks
The Alcohol Ban
Reservation System
Fisheries Management
Quetico Provincial Park
Lake Superior Provincial Park
Algonquin Park Master Plan/5 Year Review
Public Meeting

April 23, 24, 25/Windsor

Review of the Third (1977) Annual Report
Peche Island Provincial Park
Visit to Peche Island and the Ojibway Nature
Reserve (Windsor Prairie)
Lake Superior Provincial Park
Quetico Provincial Park
Algonquin Park Master Plan Review
Public Meeting



June 22, 23, 24/Killarney

Deregulation and Park Regulations
Parks Policy
Play Areas in Provincial Parks
Visit to Killarney Provincial Park
Rondeau Provincial Park
Algonquin Park Master Plan Review
Review of The Provincial Parks Act
Killarney Master Planning
Killarney Road Proposal
Public Meeting

September 7, 8, 9/Peterborough

Acid Rain and Algonquin Park
Algonquin Park Master Plan Review
Visit to Trent-Severn Waterway and
Serpent Mounds Provincial Park
Public Meeting

November 16, 17, 18/Toronto

Algonquin Park Master Plan Review
The Provincial Parks Act
Acid Rain
Enforcement Officer Training
Annual Report for 1978
Play Areas in Provincial Parks

Summary Statements

Algonquin Provincial Park

- 1 The Minister, representing the Ontario Government, should do everything possible in cooperation with the Canadian and U.S. governments, to correct the problems created by 'acid rain' in Algonquin Park;
- 2 The Ministry should give careful consideration to data collection and monitoring of 'acid rain' in Algonquin Park;
- 3 The Fisheries Branch should begin considering what action will be required when Algonquin lakes begin to lose their ability to support trout;
- 4 Seven 'drop-in' centres and public meetings will be arranged to review the Algonquin Park Master Plan.

Polar Bear Provincial Park

- 5 The Parks Council should visit Polar Bear Provincial Park in 1979-80 so that it would be in a better position to comment on the preliminary master plan for the park;
- 6 The Council should review the planning for Polar Bear Park and report to the Minister.

Killarney Provincial Park

- 7 The master planning process currently underway for Killarney Provincial Park should consider future alternative development proposals in light of overall regional planning developments;
- 8 Any planning or development for Killarney Provincial Park should be subject to public scrutiny prior to the completion of a master plan.

Serpent Mounds

- 9 Serpent Mounds Provincial Park should be considered for Historical Park Classification after an historical resource evaluation is done;
- 10 A master plan should be prepared.

Lake Superior Provincial Park

- 11 The logging practices in Lake Superior Provincial Park should be as prescribed in the Preliminary Master Plan and the use of heavy equipment and non-winter logging should be prohibited;
- 12 A regulation to prevent grouse and hare hunting should be implemented in the park.

Peché Island

- 13 The Ministry should prevent the misuse and the environmental degradation of the Island;
- 14 The Ministry, the City of Windsor and the Windsor School Board should involve themselves jointly in the development and management of the Island;
- 15 Boat landings and anchorages should be greatly restricted; the submarine electrical cable to the Island should be replaced; necessary seawall and rubble work should be completed and needed renovations to some of the existing buildings should be made;
- 16 Regulations must be enforced and park fees collected.

Occupier's Liability

- 17 Council agreed that:
 - i It is desirable to consider the utilization of private lands for public recreation;
 - ii The private landowner must be protected from legal liability arising from public use;
 - iii Liability protection for the private landowner must not be dependent on signage;
 - iv Both traditional and public uses and the rights of the private individual must be considered;
 - v A single "standard of care" for legal liability needs to be established;
 - vi The Petty Trespass Act must be amended;
 - vii Permitted public access should exclude hunting and motorized travel unless such permission is obtained from the owner in writing.

Deregulation

- 18 The elimination of any regulation should be permitted only after consideration is given to the ability of field personnel to promote and enforce the policy of the Provincial Parks system.

Play Areas

- 19 Council endorses the draft Ministry of Natural Resources policy on Play Areas in Provincial Parks.
- 20 The policy should indicate the zones where play areas would be allowed.

The Provincial Parks Act

- 21 A new Provincial Parks Act should be drafted that would:
 - i Express the adopted Parks Policy;
 - ii Delineate and give legislative sanction to park boundaries and classifications, including purpose and allowable uses for each classification;
 - iii Express purpose and allowable uses for the zones within a park and require a public review of any proposed zoning changes;
 - iv Define a process for the advancement from the status of Park Reserve to Provincial Park and the development of, changes to, and review of master plans, all with public participation;
 - v Bring together in one Act, as far as rationally possible, all legislation related to Provincial Parks.
 - vi Provide some mechanism for giving limited formal status to individuals to challenge park management;
 - vii Provide for the establishment of a review board, to oversee those aspects of the Act which do not require legislative action.

Rondeau Provincial Park

- 22 Council opposes the maintaining of a road to the end of the point in Rondeau Provincial Park because of the sensitive environment the road would traverse.

The Ontario Heritage Act

- 23 The Ontario Heritage Act should be amended to provide for the preservation, maintenance and management of properties of outstanding natural significance.

How the Parks Council Works

Council utilizes the committee structure to address many topics that it is asked to consider. Committees are responsible for gathering and tabling background material. Presentations are sometimes made by professionals solicited from both inside and outside of government, position papers are written by committees and responded to by the Council-of-the-whole. Particular park plans and parks policy have been dealt with by a committee-of-the-whole, however, some topics have been investigated by a single Council member who then reports to the total Council. As a result of this procedure, policy statements are drafted for inclusion in the Annual Report and specific resolutions are sent to the Minister as an integral part of the minutes after each meeting.

Public meetings are a vital aspect of the Council's work. After the public meeting, Council reconvenes to consider any submissions it has received since the last public meeting. Results of Council's response to these submissions are immediately sent to the Minister. The Minister's response to Council's recommendations will, commencing in 1979, be included in the Council's Annual Report.





Algonquin Provincial Park

Background Information

Council spent considerable time in public and business meetings examining issues associated with Algonquin Park. In terms of the master plan review process, Council considered advice from Ministry of Natural Resources staff involved in the review of The Pinery Provincial Park Master Plan and from Parks Canada staff involved in the review of the Point Pelee National Park Master Plan. It was decided that the 1979 review of the Algonquin Park Master Plan would involve a process during which the public would be invited to attend a 'drop-in' information centre and a public meeting. It was agreed that the 'drop-in' centre should contain exhibits and information about the plan and its implementation to date. Members of the Council and Ministry staff would be available to answer questions and to discuss issues with the public. Prior to the meeting, a document would be published jointly by the Ministry and Council that would state the issues and their possible solutions. This document would be widely circulated and advertised and made readily available. Every person and organization on the Parks Council's mailing list would automatically receive a copy.

Resolutions and Recommendations

Acid Rain

Acid Rain and its possible deleterious effects on Algonquin Provincial Park is a matter of considerable concern. Background material on the matter was reviewed with Dr. Brydges from the Ministry of the Environment who spoke to the issue.

Preamble

Council has had an opportunity to read material and to hear from experts on the problem of acid rain, particularly as it effects Algonquin Park.

Motions

1 Council is concerned that a very serious problem exists. Council urges the Minister to do everything that is physically possible to correct this situation. The solution to such a problem will have to be effected by decisions made at the Ministerial level of not only the Ontario government, but also the Canadian and American governments as well.

2 Council recommends the Ministry give careful consideration to data collection and monitoring of acid rain in Algonquin Park. Algonquin is a protected environment that has served as an outdoor laboratory for many years so it is an environment for which there is a relatively good data base. The Ministry should review its needs in terms of staff and available instrumentation to effectively monitor acid rain in Algonquin Park.

3. There is a real possibility that within the next decade many lakes in Algonquin Park will lose their ability to support trout fish populations. The Fisheries Branch should begin considering what action will be taken when that happens. Will, for example, lime be applied to key trout lakes to reduce the acidity and if so at what point?

Agreed/Unanimous

Minister's Response

The problem of acid rain in general is of concern to the government. Representations are being made by the Province of Ontario to the Federal government to ensure that the matter, which is an international problem, is given the required attention. Related to Algonquin Park and other sensitive environments in Ontario, my Ministry is working jointly with the Ministry of The Environment to collect data and effectively monitor the situation. A fisheries management plan is being prepared for Algonquin Park. The plan will take into consideration a number of factors together with recognition of the problem of acid rain.

Master Plan Review

1 In terms of the master plan review process, a statement will be widely distributed and advertised stating what the Ministry of Natural Resources and the Parks Council perceive as the issues and possible solutions to the Algonquin Park Master Plan.

2 It is recommended that seven 'drop-in' centres and public meetings be arranged for the Algonquin Park Master Plan review:

March 9/79/Toronto
April 26/79/Bancroft
April 27/79/Pembroke
June 22/79/Ottawa
August 16/79/South River
August 17/79/Huntsville
August 18/79/Algonquin Park

Minister's Response

The series of public meetings at different locations will undoubtedly provide an opportunity for many more persons to participate in the master plan review process.

Polar Bear Provincial Park

Background Information

Council has had an opportunity to briefly review the document providing background information on Polar Bear Provincial Park and the planning proposal for Polar Bear. The Ministry of Natural Resources have shown a film and made a presentation on the park. Although some preliminary discussion has taken place on the planning proposal, Council felt that little can be done in the way of making recommendations or passing resolutions on Polar Bear Provincial Park until the park has actually been visited.

Although such a visit was recommended by Council, it was discouraged by the Ministry of Natural Resources because of the cost and amount of time that could be involved in making such a trip.

Recommendations

- 1 The Parks Council should visit Polar Bear Provincial Park in 1979-80 so that it will be in a better position to comment on the master plan for the park.
- 2 After such a visit, Council should review the information at its disposal and report to the Minister in a manner similar to its review of the Quetico and Lake Superior Provincial Parks master plans.

Minister's Response

The Parks Council has had an opportunity to review and comment on the Background Information and Planning Proposal documents for Polar Bear Provincial Park which were released to the Public in August, 1977. Public response to those documents has now been summarized and released to the public in the publication of Polar Bear Provincial Park Public Participation/A Summary of Comments. Council has been sent copies of the summary document. The valuable and very constructive comments received are currently being considered in the preparation of a master plan. Any further recommendations the Parks Council has on the Ministry's response to the public comments would be welcomed.



Wilderness Hiking
Polar Bear Provincial Park

Depending on the availability of funds within the Parks Council budget, it may be possible for a sub-committee of the Council to visit the park on a regularly scheduled Ministry staff trip to the area. My staff will discuss this further with the Parks Council.

Killarney Provincial Park

Background Information

The third meeting of the year was held in the Village of Killarney. Considerable interest and concern has been expressed by Council about Killarney Provincial Park since the Ministry of Transportation and Communications has recently funded a consultant firm* to consider the feasibility of building a road from Killarney Village to Whitefish Falls. Such a road would, in all likelihood, cut across the western sector of the park. It should be noted that Killarney is, in fact, a Wilderness Park.

The Ministry of Natural Resources has directed its planners to master plan the park assuming that no change in the classification of the park is imminent. Killarney Park has in the past, had problems of overuse and this year saw the implementation of a quota system. The La Cloche Mountains are partially within the park boundaries and indeed the whole park is within the North Georgian Bay Recreational Reserve. This consideration makes it almost impossible for the park to be planned effectively without an overall plan for the region, or, if you will, the North Georgian Bay Recreational Reserve.

*Tough, Stansbury, and Michalski Limited
63 Galaxy Boulevard
Unit 1
Rexdale, Ontario
M9W 5R7

Resolutions

As a result of Council's deliberations on Killarney, the following motion was passed:

Council recognizes that Killarney Park is one of only three wilderness provincial parks in Ontario and that the character, beauty and values of the park are of great significance in the provincial parks system. Classification of the park and related planning has been underway for a lengthy period of time and due to the present uncertainty of the future of the park in terms of the region in which it is situated, including its park boundaries, it is recommended that the preliminary master planning process underway at the present time in Killarney consider future alternative development proposals in light of lands adjacent to the park (North Georgian Bay Recreational Reserve) and that these alternative development proposals be put forward for public review prior to the completion of a master plan.

Agreed/Unanimous

Recommendations

- 1 The master planning process currently underway for Killarney Park should consider future alternative development proposals in light of overall regional planning developments.
- 2 Any planning or development proposals for Killarney Park should be subject to public scrutiny prior to the completion of a master plan.

Minister's Response

The master planning program for Killarney Provincial Park will consider the relationship of the park to the local and regional area with particular attention to the North Georgian Bay Recreational Reserve. The Killarney Provincial Park Preliminary Master Plan will be made available to the public for review and comment and the advice of the Parks Council solicited.





Serpent Mounds Provincial Park

Background Information

Council visited Serpent Mounds Provincial Park, on Rice Lake during its Peterborough meeting in September, 1978. Concern was expressed over the matter of preserving the outstanding archaeological resources (burial mounds of the Amerindian peoples). The historical features appear to be threatened by encroaching recreational pressure from the campground and playground immediately contiguous to the burial mounds. Slide shows are shown as part of the visitor services programme using the burial mounds as an outdoor theatre. Concern was expressed about the planning for the park.

Resolutions and Recommendations.

As a result of Council's visit to Serpent Mounds the following motion was passed and sent to the Minister:

- a That an historical resources evaluation be undertaken to determine whether or not Serpent Mounds Provincial Park meets the necessary requirements for Historical Park classification.
- b That a master plan be prepared for Serpent Mounds Provincial Park (classification to be based on the outcome of the historical resources evaluation) to provide the necessary zoning for the preservation of the prehistoric mounds.

Agreed/Unanimous.

Minister's Response

I agree that the Serpent Mounds site is an important component of the pre-history of Ontario. The question of whether the site should be managed as an "Historical Park" or as a "Historical Zone" within a recreation class of provincial park will be resolved as we are able to identify, develop and interpret a system of historical parks. The study of historical resources and the preparation of a master plan for the park as recommended by the Council will be undertaken as quickly as funding and other priorities permit.

Lake Superior Provincial Park

Background Information

Council has visited the area and reviewed the Lake Superior Provincial Park Preliminary Master Plan. Extensive recommendations were made and these are recorded in the 1977 Annual Report. In March, Council was brought up to date by the Ministry of Natural Resources on information that they had received as a result of the public participation process associated with the preliminary master plan. It was noted that to date 111 written submissions had been received. Of these submissions, 70 made reference to the logging with the majority feeling that logging should be phased out of the park over time. The majority of people responding to the preliminary master plan were in favour of the proposed boundary changes; however, there is a problem with several mineral deposits that are presumed to be partially located on the land.

It was brought to the attention of Council that one of the 'trade journals', Woodlands Edition: Canadian Pulp and Paper Industry, described the use of very heavy logging equipment in the park which implied logging practices could be quite detrimental to the environment. Council expressed its concern in the way of a motion to the Minister at its April meeting.

Although Council recommended that 'grouse and hare hunting should not be allowed', grouse and hare hunting was allowed to take place in the fall of 1978. Council has brought this matter to the attention of the Minister.

Resolutions

Council passed the following motion related to Lake Superior Park:

1 As the Lake Superior Provincial Park Preliminary Master Plan clearly sets out the terms and conditions under which logging is to be carried on in the park, particularly where there is a possibility of environmental degradation or a conflict with visitors' use and as the Provincial Parks Council is aware of the introduction by Weyerhaeuser Canada Limited of heavier and more logging equipment and a change from the traditional winter logging operations, Council is most concerned with respect to the inevitable impact of such changes on the environment and visitors' use particularly in the #1 zone to be logged until March, 1979 under the existing terms and conditions.

The Council recommends that the Minister of Natural Resources insist that there be no deviation from the traditional operations in the park as they are now set out in the preliminary master plan.

Agreed/Unanimous

Recommendations

1 That the logging practices be as prescribed in the master plan and that heavy equipment and non-winter logging be prohibited.

2 A regulation to prevent grouse and hare hunting throughout the year should be implemented.

Minister's Response

1 *The terms and conditions for commercial timber harvesting are outlined in the approved Lake Superior Provincial Park Master Plan. Although summer logging is not specifically prohibited, the harvesting of trees and related activities may be prohibited, postponed, or restricted at such times and for such periods as designated by the District Manager in Wawa where in his opinion there is a possibility of conflict with the use of the park by recreationists. As specified in the master plan a Forest Management Plan for the park will be prepared. The plan will further address the conditions for commercial timber harvesting in Lake Superior Provincial Park. Also, I will consult with the Parks Council during the preparation of the plan.*

2 *Grouse and hare hunting at specified times and in designated areas as a recreational pursuit and as an adjunct to moose hunting will be permitted to continue in the park.*



Peché Island

Background Information

Peché Island is located in the Detroit River just offshore from Windsor. This property was originally owned by Hiram Walker who developed it as a summer estate. Following this, attempts were made to develop it as a commercial recreational area. In recent years it has become the responsibility of the Ministry of Natural Resources. The Windsor Board of Education has until recently, used the Island as an outdoor education centre. In the summer, many people from both sides of the river travel to the Island by boat and use it in various and sundry ways. Such use and misuse have caused real problems in recent years including the death of a woman because of a boating accident in the summer of 1978.

Due to budgetary constraints, the Ministry has been unable to provide the necessary development and operational funds needed to resolve the management problems of the Island. Council was briefed on the nature of the problem, viewed a topically related CBC film and visited the Island prior to the public meeting held in Windsor, where the matter was the principal issue raised by the participants.

Recommendations

As a result of Council's consideration of Peché Island the following recommendations were sent to the Minister:

Council realizes that this is a time of budgetary constraints however:

1 The Ministry does own the property and does have an obligation to prevent it from being badly misused and environmentally degraded. People are misusing the facility by driving high powered boats in the canals, by emptying their holding tanks in the canals, by leaving garbage and fire pits across the Island, particularly on the beaches.

2 Council feels that Windsor is very much in need of a 'near-urban' natural facility such as Peché Island and that a joint development and operational venture by the Ministry of Natural Resources, the City of Windsor and the Windsor School Board would seem to be very much in order. The Ministry of Natural Resources could, for example, develop the facility and then lease the management of it to the school board. The school board might in turn use the Island for outdoor education and provide inexpensive patrolling and cleanup in the summer.

3 Everyone seems to be in agreement that the Island should be kept as natural as possible. This might be done by restricting boat landings and anchorages. Power boats should not be allowed in the canals. Development money is needed to replace the submarine cable to the Island. Some seawall or rubble work is needed to prevent erosion. The existing buildings should be renovated.

4 Operationally, the regulations must be enforced and park fees should be collected.

Minister's Response

Work is in progress on the preparation of a master plan for Peché Island Provincial Park. The feasibility of collecting fees and regulating visitor use is being investigated. The Ministry is pursuing the possibility of having Federal regulations changed to control navigation within the water area of the park. The Council will be kept informed of the progress and proposals being made to improve the operation and management of the park.

The Occupier and the Law: Occupiers' Liability, Trespass and the Recreational Use of Land

Background Information

The Parks Council was asked to review and comment upon a discussion paper entitled: The Occupier and the Law: Occupiers' Liability, Trespass and the Recreational Use of Land. The following statement is Council's response and discussion of that paper.

Recommendation

There seems to be no reason why private lands cannot be made available for public recreation. Such an availability not only would increase recreational opportunities for residents, but would create a more favourable climate for tourism. In addition, it would offer help in alleviating the pressures on current recreational lands such as provincial parks.

However, for private lands to be made available, the rights of the owner, to the extent to which he/she wishes to exercise them, in relation to his/her own lands, should be respected and reserved. The fears of the private owner with respect to such public use should be appreciated. His/her fears of legal liability and damage without compensation must be taken into consideration. Use of private lands for public recreation should not permit the establishment of public rights by passage of time. Conversely, private ownership should not be permitted to extinguish traditional rights such as portages, if such are still required by the general public for access to a particular area or waterway traditionally used.

Because of the present state of confusion and uncertainty with respect to the application of a standard of care to be applied under varying circumstances, it is desirable that one standard be established for all landowners, no matter what the circumstances. However, to allay the fears of legal liability, further protection, as proposed in the Ministry of The Attorney General draft discussion paper "Occupiers' Liability and Occupiers' Protection from Trespass", must be provided to encourage the opening of lands to public recreation. The protection from liability as proposed in Part 1(B)2 would appear reasonable in this respect, but protection from liability should not, in any way, be dictated by or be dependent upon signing. Such protection should be afforded, not only the occupier of such lands, but the owner as well.

The extent, of both in territory and in time to which recreational opportunities on private lands are made available should be matters which remain within the owner's easily exercised control and the owner's personal privacy as well as his/her right to further limit or terminate public use of his/her land at any time in the future should be respected. Such consideration should not only be applied to the individual owner, but to the operators of commercial establishments and the forest industry.

The basic approach discussed in the above mentioned draft discussion paper is acceptable, although some modification should be considered. The approach should not be limited to agricultural lands as this ignores vast tracts of land which offer excellent opportunities for public recreation. The approach should be in relation to rural lands and the consideration highlighted in paragraph 2 of Appendix (A) should be modified to reflect this more all encompassing approach.

To assist the private landowner, the provisions of The Petty Trespass Act require amendment. The Act in its present form is not sufficient. To enhance the owner's rights to privacy, not only must the proposed signing be made available to him/her, but prohibitions with respect to entry on lawns, gardens and enclosed lands should be extended to include, not only fields under cultivation or orchards, but private beaches or waters adjacent to grounds around residences, private wells and privately developed recreational areas.

To assist in the protection of the owner and to make compensation more readily available to him/her, it is felt that the specific offence as proposed, in part 11(B) (3) of the draft discussion paper, not only be amended so that (2) reads as follows:

"Doing an activity on premises where entry is permitted, without expressed permission to do such activity, the proof of which rests upon the accused".

but that an additional definition of trespassing be added as follows:

"Causing damage to the premises not naturally resulting from the permitted recreational use whether or not permission, express or implied has been granted."

This would permit the owner to avail himself/herself of the proposed compensation sections of The Petty Trespass Act, even if the person involved in causing the damage was given permission initially to enter upon the lands.

To further avoid the dangers of invasion of privacy and damage, from the point of view of the owner of the land, the proposed legislation should make it quite clear that permitted access whether implied or expressed, excludes hunting and motorized travel, unless, of course, such permission is specifically obtained in writing.

Copies of the "Discussion Paper on Occupiers' Liability and Trespass to Property" are available from Publications Centre, 5th floor, 880 Bay Street, Toronto, Ontario, Canada.

Minister's Response

I have forwarded the recommendation of the Parks Council to the Ministry of The Attorney General. The Council's comments are useful and I am sure will be carefully considered. It is anticipated that legislation related to the matter will be introduced in the 1979-80 session of the Legislature.

Deregulation

Background Information

The Ontario government is actively involved in an exercise that has come to be known as 'deregulation'. This is an attempt to rationalize the myriad of regulations that now exist under provincial statute.

Council was asked to consider regulations made under The Provincial Parks Act and to suggest which, if any of the particular regulations could be dropped, or indeed to consider if there was a need to redraft the regulations in a simpler form.

After some consideration, it was decided that park regulations were not onerous and indeed seemed quite rational in their present form.

Resolution

As a result of Council's deliberations, the following motion was passed and sent to the Minister:

While it is most desirable that regulations governing the use of provincial parks be reviewed in a systematic manner to assure that ill-advised, redundant or outdated regulations be removed, it cannot be expected that a system as substantial as the provincial parks system with its park classifications, zones and many cases of existing and potential abuse of the environment can be regulated or managed with legal sanctions without a full set of regulations. A feeling that a far reaching discretion can be placed in the hands of individual park superintendents ignores the need and desirability of direction from higher levels of authority and the potential problems created by inexperience with respect to the resolution of a problem which is new, not in the Province but to the particular superintendent. Any particular superintendent has a very substantial and important task to apply a full set of regulations to local situations.

Therefore, it is hereby moved that the Minister be advised of the concern of the Council that elimination of any regulation be effected only after careful consideration of the affect on the ability of field personnel to promote and enforce the objectives or policy of the provincial parks system.

Agreed/Unanimous



Park Superintendant

Minister's Response

The recommendations of the Council are accepted in principle. Regulations will be reviewed on a regular basis. Wherever possible, regulations will be streamlined with emphasis placed on retaining only regulations that are required to ensure proper protection of the park environment and for the safety and enjoyment of all park visitors.

Play Areas in Provincial Parks

Background Information

The Council was asked to consider a draft policy document entitled 'Play Areas in Provincial Parks'. The policy proposed is as follows:

This policy is to establish and ensure a consistent approach concerning the provision of play areas in provincial parks.

Background: The objectives of the Ministry of Natural Resources Outdoor Recreation Program call for the provision of a wide variety of recreational activities in provincial parks compatible with the protection of the natural environment.

In planning for activities and facilities in provincial parks, the under 20 years of age group, which comprises up to 40 percent of provincial park users, has often been neglected. Day-user and camper surveys during the past decade document the preference for areas and facilities to be developed for the under 20 age group to meet the needs of provincial park users. Children especially need a place to let off steam and play areas, incorporated into the overall plan for the park, would be a most suitable facility. The term "play area" is used, rather than "playground" since it is meant to imply a less confined and broader space for play, a wider variety of play activities for multi-age levels, and support by more flexible facilities and leadership; and is more in keeping with the expansive nature of provincial park resources. Play areas in provincial parks are recognized as contributing to the physical, emotional, social and intellectual development of children. In provincial parks, the potential for adventuresome and creative play is immense. In addition, they can contribute to the broader attainment of the provincial parks objectives by contributing towards the appreciation of the system and an understanding of the natural environment through greater exposure to and involvement with the natural landscape. The value of play is immeasurable.

Policy: Play areas suited to the characteristics of the users and the themes of the individual parks may be developed in provincial parks.



Play areas and facilities must be compatible with the natural environment and in keeping with its features, as contrasted with the urban environment of city park and recreation facilities. The activities provided through such facilities may be essentially the same as those in municipal parks, but the experience should be different. Duplication of the municipal experience will be prevented through the setting of imaginative facilities in a natural environment and using forms, materials and textures to develop play areas which blend into the environment and enhance the natural features of a park.

The types of activities to be encouraged however will depend on the park's classification, its themes and the degree of development in the park and the overall provincial and regional visitor services policies which place emphasis on self-use facilities and restrict staff organized programming to a few selected parks.

In general, play areas are considered appropriate and compatible with recreation, natural environment and historical class parks only. However, the park master plan will identify the need for play areas, their functional location and relationship, if any, to park theme, as identified in the master plan. The degree and type of development will be determined by the park character and the priority relative to other parks will be set by the master plan and regional visitor services plan. In some cases, this approach will encourage custom play areas to suit a particular park character and natural features. However, in other cases a prefabricated modular approach to play areas is appropriate with a selection of prototype modules available for assembly in certain parks or areas within a particular park. Standardized design and construction plans for the modules will allow for construction of basic facilities without them having to be a capital development project.

In the design, location and development of play areas, emphasis will be given to the use of natural materials, overall landscape and functional compatibility and to the requirements of handicapped park users. Play areas will be located in conjunction with the other developed areas such as campgrounds and day-use areas or anywhere where family groups congregate.

To the extent possible, the design and construction of certain play areas will promote compatible activities by a range of users with varying age and skill characteristics as well as areas designated for adults.

Through careful planning, development and management, richer experiences in provincial parks can be gained by children without compromising the park resources any more than when other park facilities are developed. In the carrying out of this policy, the expertise of other Ministries, agencies and levels of government will be sought.

Recommendation

The Parks Council endorses the draft policy, however considerable concern is expressed that the statement does not tie in more closely with the actual provincial parks policy. Although a statement about the classes of parks that could have play areas is indicated, there is no mention of what zones play areas would be allowed in.

It is also felt that terms like 'play', 'play areas', 'adventurous play', and 'creative play' need to be defined.

Minister's Response

As recommended, the play areas policy will be tied in more closely with the overall provincial parks policy. The policy will be revised to specify that play areas are permitted only in the development zones of recreation, natural environment, waterway and historical class provincial parks.

The Provincial Parks Act

Background

In 1975, Council recommended the rewriting of The Provincial Parks Act to allow for the statutory establishment of park boundaries and zones. In 1976, Council recommended the funding of a study to review and consider how parks and wilderness areas should be dealt with in terms of their legal framework. This latter recommendation was rejected by the Minister of Natural Resources.

As a result of the adoption of the Provincial Parks Policy by Cabinet, changes will have to be made to The Provincial Parks Act. The Minister asked the Council to consider needed changes in the Act in 1978. A sub-committee of Council was established to consider the matter.

Resolution

As a result of Council's deliberations, the following resolution was passed:

A new Provincial Parks Act should be drafted which would:

- 1 Express the adopted Parks Policy;
- 2 Delineate and give legislative sanction to park boundaries and classifications, including purpose and allowable uses for each classification;
- 3 Express purpose and allowable uses for the zones within a park and require a public review of any proposed zoning changes;
- 4 Require a defined process for the advancement from the status of park reserve to provincial park and the development of, changes to and review of master plans, all with public participation;
- 5 Bring together in one Act, as far as rationally possible, all legislation in relation to provincial parks;
- 6 Provide some mechanism for giving limited formal status to individuals to challenge park management;
- 7 Provide for the establishment of a review board, to oversee those aspects of the Act which do not require legislative action.

Agreed/Unanimous

Minister's Response

In the near future, I expect to be putting forward to the Legislature some amendments to The Provincial Parks Act. The proposed amendments, if enacted, will express the recently approved provincial parks policy and give recognition to park classes and zones as expressed in the policy. Park boundaries will continue to be delineated by regulation under The Provincial Parks Act. The allowable uses for each classification and zone will not be found within the Act. These matters will continue to be governed by the Ontario Provincial Parks Planning and Management Policies. At this time, the matter of park reserves being recognized in the Act is still under consideration. Following the completion of the Regional Parks System Planning Program and other studies which are addressing the topic of park reserves, the Ministry will be in a better position to deal with the status of park reserves.

Significant progress in the provincial park master planning program has been achieved in the past few years with over twenty provincial park master plans having been approved under The Provincial Parks Act. In addition, a number of master planning and public participation projects are currently in progress. The government is committed to an open planning process and therefore the public will continue to be involved in park planning projects.

The consolidation of all legislation in relation to provincial parks into one Act is not feasible because of the number and diversity of statutes that bear upon the overall planning, development, management and operation of the provincial parks system.

There currently exists through the numerous public participation programs and regular camper and day-user surveys opportunities for the public to influence the planning and management of provincial parks. Not to be overlooked also, is the role of the Parks Council in significantly influencing the planning and management of the parks system through their recommendations. In addition, concerns related to park planning and management expressed through elected representatives of the Legislative Assembly will always be an effective mechanism for influencing park planning and management policies. At this time, I do not support the establishment of a review board related to the administration of The Provincial Parks Act.

I would like the Parks Council to continue deliberations related to changes that could be made to The Provincial Parks Act to ensure that it provides an appropriate statutory basis for the Ontario Provincial Parks System. I am particularly interested in the Parks Council's further recommendations concerning the philosophy that should be embodied in revisions to The Provincial Parks Act. During the next year, I would like the Council to solicit public comments regarding possible revisions to the Act.

Other Business

Rondeau Provincial Park

Background Information

Council had an opportunity to visit Rondeau Provincial Park in 1975. Considerable interest in the park and the planning and management problems associated with it have concerned Council since that time. It has come to the Council's attention that one of the final recommendations of the Rondeau Park Advisory Committee to the Minister was that a park road be built to the end of the Rondeau Point.

Resolution

Council does not approve that a road to the point be included in the master plan of Rondeau Provincial Park because it traverses an area that is environmentally sensitive and is not in keeping with the goal and objectives of the park.

Agreed/Unanimous

Minister's Response

The Rondeau Provincial Park Master Plan is expected to be submitted to me for approval in the near future. At that time, I will review the matter of the road to the point within the context of the overall master plan.

Heritage Act

Background Information

In conjunction with Council's 1977 discussion of The Ontario Heritage Foundation and the role it might play in the preservation of nature reserves, Council, in 1978, passed the following motion:

Resolution

It was moved that The Ontario Heritage Act be amended to provide for the preservation, maintenance, and management of properties of outstanding natural significance.

Agreed/Unanimous

Minister's Response

During the past few years, my staff have been working closely with The Ontario Heritage Foundation on several cooperative ventures to ensure that areas of natural significance are given consideration within the mandate of the Foundation.

I have forwarded your recommendation to the Minister of Culture and Recreation under whom The Ontario Heritage Act is administered.



Public Hearings

Public Meeting
Rondeau Provincial Park

Council held public meetings in Windsor, Killarney and Peterborough. These hearings were advertised and well attended. Submissions took the form of personal letters, written briefs, audio-visual presentations, telephone calls, conversations and discussions. Everyone attending the public meetings had an opportunity to speak. Council adopted a policy of not debating the contents of a brief during the public hearing. Questions that were asked of the participants were strictly for the purpose of clarification.

Council members were instructed to give individual consideration to each presentation. Each brief was then discussed in detail on the day subsequent to its presentation. After discussion, any member of the Council could suggest comments that he or she felt should go forward to the Minister. In some cases, resolutions were put forward and voted upon.

The presentations are sent to the Minister with Council's comments and resolutions. Public briefs have a significant impact on Council's overall deliberations. Conducting public hearings is a significant part of the Council's function.

Anyone wishing to know the response to a specific presentation should write or phone the Council office:

Dr. Geroge Priddle,
Chairman
Provincial Parks Council
Environmental Studies Building
Room 214
University of Waterloo
Waterloo, Ontario
N2L 3G1

Phone: 519/885-1211, Ext. 2762

19

The Future

Council will meet in 1979 at the following times and places:

Jan. 25, 26, 27/Toronto
 March 8, 9*, 10/Toronto/MacDonald Block,
 Queen's Park
 April 26*/Bancroft
 April 27*, 28/Pembroke Golf Course
 June 21, 22*, 23/Ottawa
 August 16*/South River Public School
 August 17*/Huntsville High School
 August 18*, 19/Algonquin Park
 Sept. 27, 28, 29/Toronto
 Nov. 1, 2, 3/Toronto

*Public Meetings and Information Centres

In 1979, Council's primary function will be to review the Algonquin Provincial Park Master Plan with the public. The Ministry and the Parks Council will develop, for distribution in 1979, a document that will attempt to identify the issues as they relate to the Algonquin Provincial Park Master Plan — 5 Year Review.

This information will be distributed to every individual and group on the Council's mailing list plus anyone else known to be interested in the Algonquin Provincial Park planning process. Anyone requesting a copy of the information will receive it.

Council will hold a series of one-day participation sessions. At these sessions, there will be both a drop-in information centre and a public meeting, at which the Parks Council and Ministry of Natural Resources personnel will be in attendance.

Appendix A

Submissions to the Parks Council

The following is a list of the people and organizations making submissions to Council during 1978:

- 1 R. Metcalf/Upper Ottawa Valley Nature Group
- 2 J. Reeves/Ontario Federation of Snowmobile Clubs
- 3 R. Stuart/Hamilton
- 4 J.O. Smith/Quebec
- 5 D.E. Drewry/Bancroft
- 6 C. Mitchell/Toronto
- 7 R. Fraser/National and Provincial Parks Association
- 8 J.D. McRuer/Algonquin Waterways Wilderness Trips
- 9 F.H. Nowak/Kitchener
- 10 A. Casselman/Council of Outdoor Educators of Ontario
- 11 W.H. Kehm/Project Planning Assoc. Ltd.
- 12 W. Peppler/Canadian Owners and Pilots Association
- 13 H. Shanfield/Windsor
- 14 E. Szekeley/Windsor
- 15 G. West/Windsor
- 16 M. Bottoset/Windsor
- 17 A. Paulick/United Auto Workers/Windsor
- 18 C. Campbell/Windsor Board of Education
- 19 J. Alwood/Ontario Trail Riders Association/Sarnia
- 20 The Federation of Ontario Naturalists
- 21 D.W. Pady/Moorelands-Kawagama Family Camp
- 22 P. Eagles and D. Estrin/Waterloo
- 23 R. Brinson/Peterborough
- 24 Conservation Council of Ontario
- 25 Whitney Fish and Game Club
- 26 T. Miyata/Atikokan
- 27 V. Dunn/Killarney Park Association
- 28 J. Davis/Killarney Park Association
- 29 S. Rothchild/Killarney Park Association
- 30 L. Low/Killarney
- 31 M. East/Killarney
- 32 A. Kangas/Sudbury
- 33 I. Roque/Killarney
- 34 L. Loosemore/Killarney Community Improvement Association
- 35 P. Sawdo/Atikokan
- 36 I. Warren/Oshawa
- 37 J. Parnell/Windsor
- 38 E. Dutrizac/Oshawa
- 39 F. Helleiner/Trent University/Peterborough
- 40 R. Bates/Ontario Federation of Snowmobile Clubs
- 41 R. Suter/Toronto
- 42 K. Fox/Whitney District Chamber of Commerce
- 43 J. Van Faal/Algonquin Canoe Routes Ltd./Whitney
- 44 R. Laval/Whitney



Ministry of
Natural
Resources

Hon. James A. C. Auld
Minister
Dr. J. K. Reynolds
Deputy Minister



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